

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

FILED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA

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CEDAR RAPIDS HOUSTON OFFICE
BY

TERESA L. MERCER,

Plaintiff,

vs.

CITY OF CEDAR RAPIDS and
WILLIAM J. BYRNE,

Defendant.

No. C 98-143-MWB

VERDICT FORM

On plaintiff Teresa L. Mercer's claim of slander against defendants City of Cedar Rapids and William J. Byrne, we, the Jury, find as follows:

SPECIAL INTERROGATORIES		
Nature of the Statements <i>(Please refer to Final Jury Instruction No. 4)</i>	1. As to the following statements, do you find that they were made by defendant Byrne?	
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	That plaintiff did not "meet up" with the standards for a Cedar Rapids Police Officer.
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	That the off-duty relationship between Captain Peters and Mercer "adversely affect[ed] the workplace."
	<i>If you find that defendant Byrne did not make a statement, then you cannot find in favor of plaintiff Mercer on her slander claim as to that statement. If you find that defendant Byrne did not make either statement, then you must enter a verdict for the defendants in the GENERAL VERDICT section below on page 4. However, if you find that defendant Byrne did make a statement or statements, please answer the following interrogatory as to that statement or those statements.</i>	
	2. As to the following statements, do you find that they were communicated by defendant Byrne to someone other than the plaintiff?	
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	That plaintiff did not "meet up" with the standards for a Cedar Rapids Police Officer.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	That the off-duty relationship between Captain Peters and Mercer "adversely affect[ed] the workplace."	

	<p>If you find that the defendant did not communicate a statement to someone other than the plaintiff, then you cannot find in favor of plaintiff Mercer on her slander claim as to that statement. If you find that the defendant did not communicate either statement to someone other than the plaintiff, then you must enter a verdict for the defendants in the GENERAL VERDICT section below on page 4. However, if you find that defendant Byrne did communicate a statement or statements to someone other than the plaintiff, please answer the following interrogatory as to that statement or those statements.</p>	
	<p>3. As to the following statements, what do you find was the nature of the statements?</p>	
	<p><input checked="" type="checkbox"/> Slanderous <i>per se</i> <input type="checkbox"/> Slanderous, but not slanderous <i>per se</i> <input type="checkbox"/> Not slanderous at all</p>	<p>That plaintiff did not "meet up" with the standards for a Cedar Rapids Police Officer.</p>
	<p><input checked="" type="checkbox"/> Slanderous <i>per se</i> <input type="checkbox"/> Slanderous, but not slanderous <i>per se</i> <input type="checkbox"/> Not slanderous at all</p>	<p>That the off-duty relationship between Captain Peters and Mercer "adversely affect[ed]" the workplace."</p>
	<p>If you find that a statement was not slanderous at all, then you cannot find in favor of the plaintiff on her slander claim as to that statement. If you find that neither statement was slanderous at all, then you must enter a verdict for the defendants in the GENERAL VERDICT section below on page 4. If you find that a statement was slanderous per se, please answer the special interrogatory regarding slander <i>per se</i> for that statement. If you find that a statement was slanderous, but not slanderous per se, please answer the special interrogatory regarding slander, but not slander <i>per se</i>, for that statement.</p>	
<p>Slander Per Se (Please refer to Final Jury Instruction No. 5)</p>	<p>4. For each statement you found above was slanderous <i>per se</i>, do you find by clear and convincing evidence that the statement was made with "actual malice"?</p>	
	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>That plaintiff did not "meet up" with the standards for a Cedar Rapids Police Officer.</p>
	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>That the off-duty relationship between Captain Peters and Mercer "adversely affect[ed]" the workplace."</p>
	<p>If you find that a statement that is slanderous <i>per se</i> was not made with "actual malice," then you must find in favor of the defendants on the plaintiff's slander claim as to that statement.</p>	

Slander, But Not Slander Per Se (Please refer to Final Jury Instruction No. 6)	5. For each statement you found was slanderous, but not slanderous <i>per se</i> , do you find	
	By the greater weight of the evidence that the statement was false?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		That the off-duty relationship between Captain Peters and Mercer "adversely affect[ed] the workplace."
<i>If you find that a statement was not false, then you cannot find in favor of the plaintiff on her slander claim as to that statement.</i>		
By clear and convincing evidence that the statement was made with "actual malice"?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	That plaintiff did not "meet up" with the standards for a Cedar Rapids Police Officer.
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	That the off-duty relationship between Captain Peters and Mercer "adversely affect[ed] the workplace."
<i>If you find that a statement was not made with "actual malice," then you must find in favor of the defendants on the plaintiff's slander claim as to that statement.</i>		
By the greater weight of the evidence that the statement caused damage to the plaintiff?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	That plaintiff did not "meet up" with the standards for a Cedar Rapids Police Officer.
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	That the off-duty relationship between Captain Peters and Mercer "adversely affect[ed] the workplace."
<i>If you find that a statement did not cause damage to the plaintiff, then you cannot find in favor of the plaintiff on her slander claim as to that statement. However, if you find that a statement caused damage, you will enter the amount of damage in the DAMAGES section below on page 4.</i>		

Defendants' Defense of "Truth" (Please refer to Final Jury Instruction No. 7)	6. As to any statement you found above was slanderous <i>per se</i> or slanderous, but not slanderous <i>per se</i> , do you find that the defendants have proved that the statement is true or substantially true by the greater weight of the evidence?		
X	Yes	<input type="checkbox"/>	That plaintiff did not "meet up" with the standards for a Cedar Rapids Police Officer.
	No	<input checked="" type="checkbox"/>	
	Yes	<input checked="" type="checkbox"/>	That the off-duty relationship between Captain Peters and Mercer "adversely affect[ed] the workplace."
	No	<input type="checkbox"/>	
<i>If you find that the defendants have proved the "truth" of a statement, that is a complete defense to the plaintiff's slander claim as to that statement. If the defendants have proved the "truth" of both statements, then you must enter a verdict for the defendants in the GENERAL VERDICT section below. However, if the defendants have failed to prove the "truth" of any statement you found was slanderous per se or slanderous, then you must enter a verdict for the plaintiff in the GENERAL VERDICT section below.</i>			
GENERAL VERDICT			
On plaintiff Mercer's claim of slander, we find in favor of:			
X	Plaintiff Teresa Mercer	Or	Defendants City of Cedar Rapids and William J. Byrne
DAMAGES			
Specific Damages (If you have entered a verdict in favor of the plaintiff in the GENERAL VERDICT section just above, please award specific damages as those damages are explained in Final Jury Instruction Nos. 8 and 9)	Specific damages for "slander per se" (If one or more of the statements on which the plaintiff has prevailed is "slanderous per se," award specific damages here. If no statement on which the plaintiff has prevailed was "slanderous per se," award specific damages below in the section for Specific damages for "slander, but not slander per se")		
X	General damages in the following amount:		\$ _____
	OR		
	Actual damages, consisting of the following:		
	Damages to reputation in the following amount:	\$ _____	
	Compensatory damages in the following amounts:	Lost wages	\$ _____
		Past pain and suffering	\$ _____
Present value of future pain and suffering		\$ _____	

<p align="center">Specific damages for slander, but not slander per se <i>(Award specific damages here only if no statement on which the plaintiff has prevailed was slanderous per se.)</i></p>			
Actual damages, consisting of the following:			
	Damages to reputation in the following amount:		\$ <u>5,000⁰⁰</u>
	Compensatory damages in the following amounts:	Lost wages	\$ <u>23,000⁰⁰</u>
		Past pain and suffering	\$ <u>20,000⁰⁰</u>
		Present value of future pain and suffering	\$ <u>/</u>
<p>Punitive Damages <i>(If you have entered a verdict in favor of the plaintiff in the GENERAL VERDICT section on page 4, you may award punitive damages as punitive damages are explained in Final Jury Instruction No. 10. Remember that punitive damages may only be awarded against defendant Byrne; punitive damages cannot be awarded against the City of Cedar Rapids under Iowa law.)</i></p>			
Do you find by the greater weight of clear, convincing, and satisfactory evidence that the conduct of defendant Byrne constituted willful and wanton disregard for the rights or safety of another? <i>(If your answer to this question is "No," do not answer the remaining questions.)</i>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
What amount of punitive damages, if any, do you award against defendant Byrne?		\$ <u>0</u>	
Was the conduct of defendant Byrne directed specifically at plaintiff Teresa Mercer?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Total
48,000

Date: 11-20-00

Time: 11:45 AM

Copies mailed on NOV 20 2000
to counsel of record or pro se
parties as shown on the docket
sheet.

[Signature]
Deputy Clerk

of Bill of Cost from the
city for 118

